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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,695	07/08/2005	Rudolf Dinger	ICB0218	1927

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GRIFFIN & SZIPL, PC
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2300 NINTH STREET, SOUTH
ARLINGTON, VA 22204

EXAMINER

GOODWIN, JEANNE M

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,695

Applicant(s)

DINGER, RUDOLF

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 7 is withdrawn in view of the newly discovered reference(s) to EP 1056260A2 to Karhu. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Karhu

Regarding claim 7: Karhu discloses a telephone-watch comprising at least one control member (8) and a case (7) in which there is mounted an electroacoustic transmitter transducer (2) in communication with an acoustic output cavity (openings) arranged in said case (7) and in direct communication with the exterior via at least two output channels (openings) (Fig. 1), wherein the at least two output channels (openings). Karhu discloses a device as stated above with regards to claim 7. Karhu discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 7, i.e., wherein the two output channels opening out on either side of one of said control members and on the same side of the case with respect to the 6-12 o'clock axis. With respect to the two output channels being directly mounted on either side of one of said control members and on the same side of the case with respect to the 6-12 o'clock

Art Unit: 2833

axis: changing the location of the two output channels from the location shown by Karhu to a location on either side of one of said control members and on the same side of the case with respect to the 6-12 o'clock axis, absent any criticality, is also considered an obvious modification of Karhu's apparatus that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation since the courts have held that there is no invention in shifting the position of a structure to a different position if the operation of the device would not be thereby modified. In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claim 8: Karhu discloses a telephone-watch wherein it includes means for guaranteeing water-resistance between said electroacoustic transmitter transducer (3) and said acoustic output cavity (openings).

Regarding claim 9: Karhu discloses a device as stated above with regards to claim 7. Karhu discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 9, i.e., wherein the output channels opening out on either side of one of said control members are oriented along different directions. With respect to the two output channels being directly mounted on either side of one of said control members are oriented along different direction: changing the location of the two output channels from the location shown by Karhu to a location on either side of one of said control members are oriented along different direction, absent any criticality, is also considered an obvious modification of Karhu's apparatus that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation since the courts have held that there is no invention in shifting the position of a structure to a different position if the operation of the device would not be thereby modified. In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claim 10: Karhu the telephone-watch according to claim 7, wherein it further includes an electroacoustic receiver transducer (3) mounted in said case and in communication with an acoustic input cavity (opening) (Fig. 1), the latter being arranged in said case and in communication with the exterior via at least one input channel opening out on the opposite side of said case to said control member with respect to the 6 - 12 o'clock axis (Fig. 1).

Regarding claim 11: Karhu discloses a telephone-watch wherein it includes means for guaranteeing water-resistance between said electroacoustic receiver transducer (3) and said acoustic output cavity (openings) (Fig. 1).

Regarding claim 12: During the use of Karhu's telephone-watch, a telephone conversation of the telephone-watch according to claim 10, wherein the output channels (openings) of the electroacoustic transmitter transducer (2) are oriented on an ear's side of a user (Fig. 1), respectively and said at least one input channel of the electroacoustic receiver transducer (3), is oriented on a mouth side of the user (Fig. 1) and wherein the watch can be worn on the inside of the wrist so that the user's hand placed at its ear acts as a resonating chamber for the electroacoustic transmitter transducer (2).

Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this

Application/Control Number: 10/541,695

Page 5

Art Unit: 2833

application or proceeding should be directed to the receptionist whose telephone number is (571)

272-2861.

JGM
06/11/07

A handwritten signature in black ink, appearing to read 'VIT Miska', is written over the printed name.

VIT Miska
PRIMARY PATENT EXAMINER
TECHNOLOGY 2800

Approved JG
3/16/07

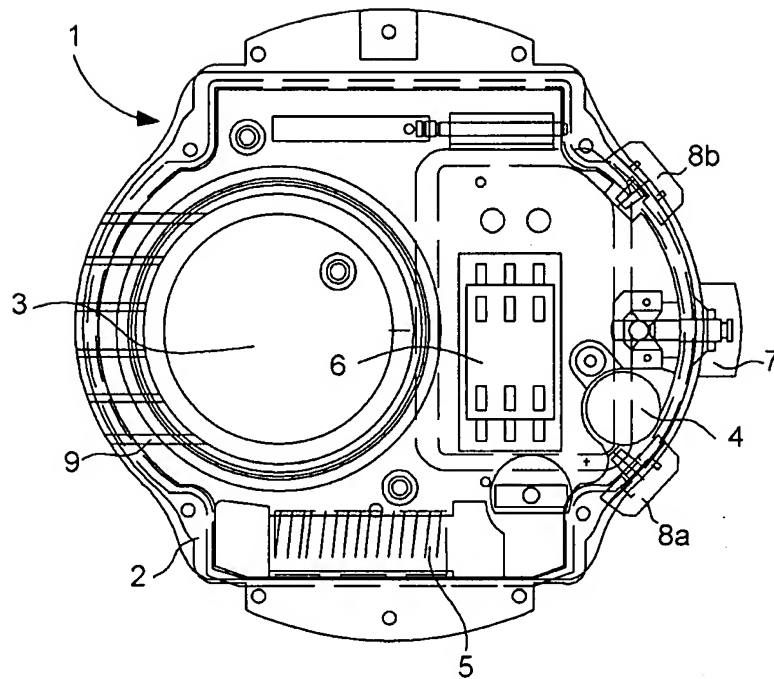


Fig.1

Prior Art

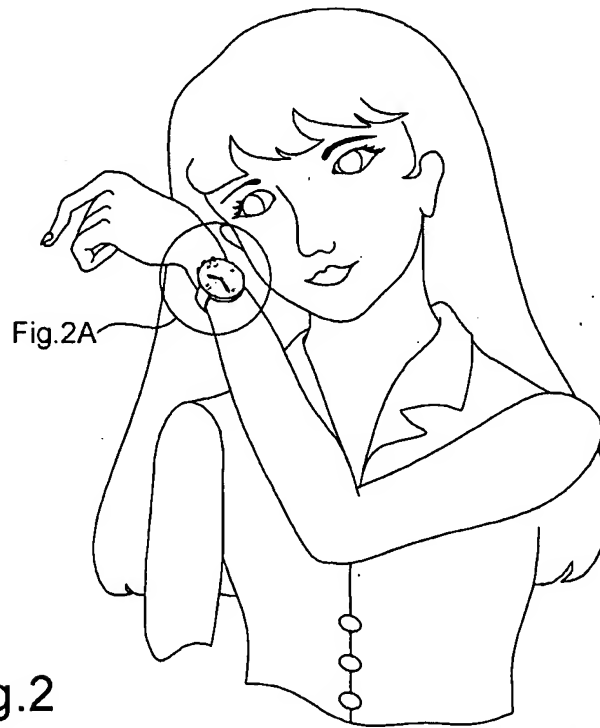


Fig. 2

Prior Art

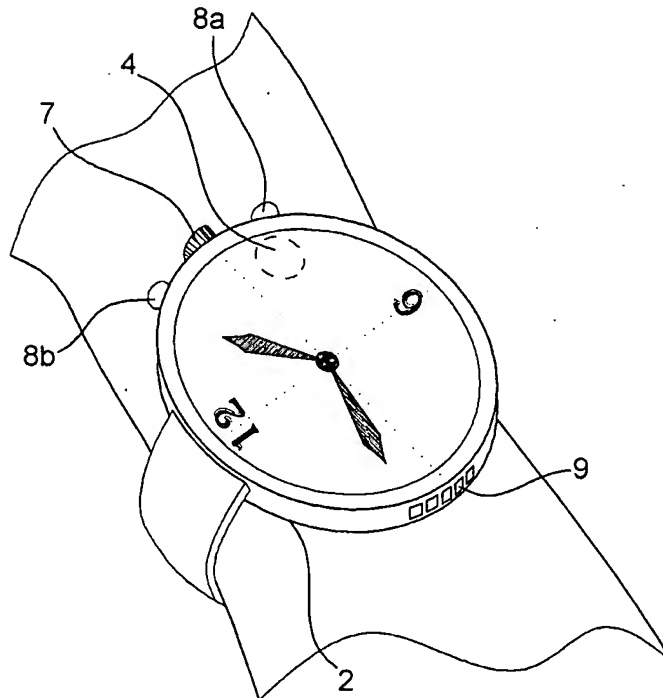


Fig. 2A

Prior Art

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3/16/07

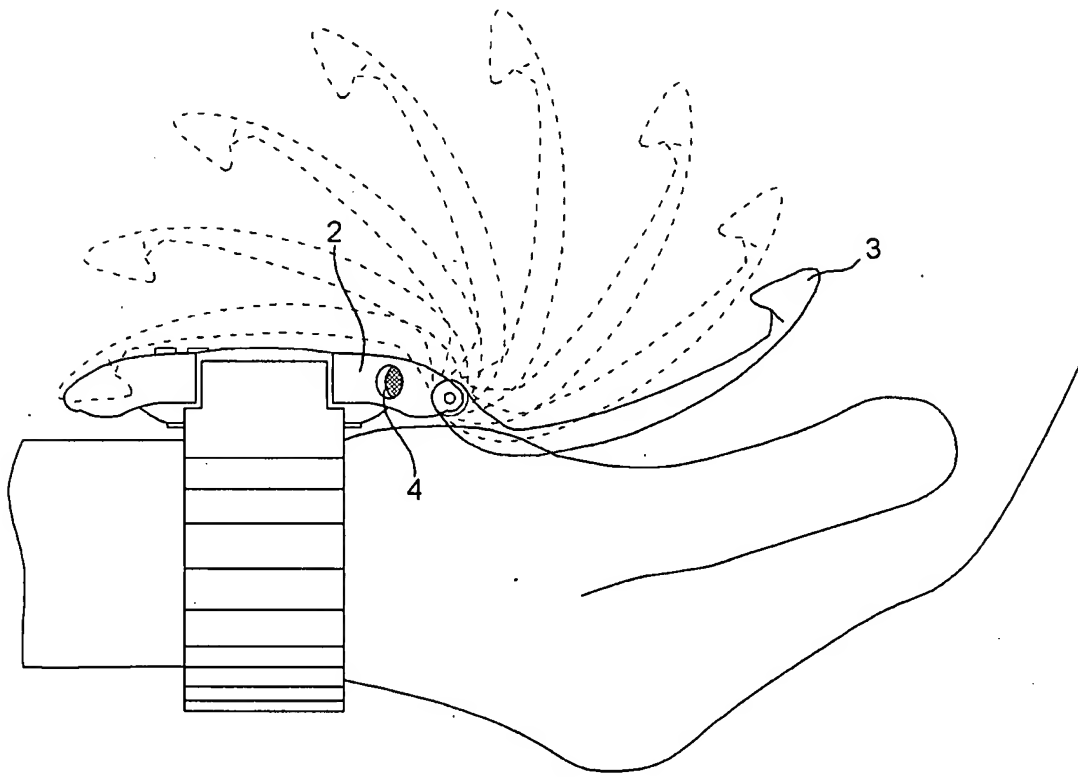


Fig.3

Prior Art

Approved
5/16/07